

LEGEND 3.0-001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of  
GEORGE LEGENDZIEWICZ

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For: **FISHING ROD HOLDER SUPPORT STANCHION  
MEMBER FOR HOLDING MULTIPLE FISHING ROD  
HOLDERS IN COMBINATION WITH A FLUSH  
MOUNTED ROD HOLDER**

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Assistant Commissioner for Patents  
Washington, D.C. 20231

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**PETITION TO MAKE SPECIAL**  
(MPEP Section 708.02)

Sir:

Applicant hereby files this Petition to make special this application for purposes of examination and payment of the issue fee, on the grounds of a pre-examination search. Applicant also submits the petition fee.

The application presents claims directed to a single invention. In case the Examiner believes that there is more than one invention, applicant hereby elects without traverse Claims 1 to 37.

A pre-examination search was made of the records of the U.S. Patent Office under the instruction of the applicant's attorney by a professional searcher, Kenneth Apostolico, of the firm ALPHA ENTERPRISES, LTD. The field of search included Class 43, Subclasses 12, 14, 15, 16, 19.2, 21.2, 25.2 and 27.4; Class 114, Subclasses 255, 343, 361

Subclasses 12, 14, 15, 16, 19.2, 21.2, 25.2 and 27.4; Class 114, Subclasses 255, 343, 361 and 364; Class 248, Subclasses 42, 278, 404, 407, 511, 512, 513, 514, 515, 516, 518, 520, 534, 538 and 910; and Class 411, Subclasses 71, 72, 75, 76, 77, 78, 79, 80 and 120.

### **INVENTION SEARCHED**

In particular, the invention searched was for a fishing rod holder assembly for holding multiple fishing rod holders being mounted to a fishing rod holder support stanchion member in combination with a flush mounted rod holder. The fishing rod holder support stanchion member in combination with the flush mounted rod holder and the plurality of the fishing rod holders is used for trolling of large game fish (e.g., tuna, sailfish, shark and the like) from a pleasure or commercial fishing boat, trawler, yacht, etc. the fishing rod holder stanchion is configured/shaped to have an asymmetrical "goal post" configuration having two or more vertical post members being integrally attached to a horizontal support member. The horizontal support member is integrally attached/connected to a vertical support post member. The vertical support member is received within a flush mounted rod holder that is connected within the gunwale of the fishing boat. The two or more vertical posts are angled/skewed relative to the horizontal support post. The fishing rod holders are detachably received on the multiple vertical post members. In alternative embodiments, the fishing rod holders are rotatably mounted to part of each of the vertical post members, as these multiple fishing rod holders are not removable. The fishing rod holder stanchion is made from stainless steel, steel or titanium metal.

### **PATENTS SELECTED IN SEARCH**

As a result of the search, we have uncovered the following U.S. Patents:

<u>U.S. Patent No.</u>	<u>Inventor</u>	<u>Issue Date</u>
3,802,112	BANNER	04/09/1974
3,964,706	ADAMS	06/22/1976
4,527,349	EMORY, JR.	07/09/1985
4,823,723	BROOKS	04/25/1989
4,901,469	MURRAY	02/20/1990
5,054,737	DELANCEY	10/08/1991
5,435,093	MINORICS, et al.	01/25/1995
5,438,789	EMORY	08/08/1995
5,557,877	COLSON	09/24/1996
5,685,107	SWEET	11/11/1997
5,855,088	LEE	01/05/1999
5,921,014	LEE	07/13/1999
6,213,441	BAYNARD, et al.	04/10/2001
6,289,627	GIBBS, et al.	09/18/2001
6,302,367	RATZA, et al.	10/16/2001

#### **U.S. Publication No.**

2001/0011435	BAYNARD, et al.	08/09/2001
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A copy of each patent and publication is enclosed for the convenience of the Examiner.

## **DISCUSSION OF SELECTED PATENTS**

U.S. Patent No. 3,802,112 to BANNER discloses a fishing rod holding means pivotally connected to a base part having means of securing same to different surfaces. The angle of the holding means is adjusted to a desired position and held by locking means. A fishing pole locking means is provided separately within the holder means, said holder means also having a fishing hook holding means. This prior art patent does not teach or disclose the particular structure and configuration of your invention of a fishing rod holder support stanchion member for holding a plurality of fishing rod holders in combination with a flush mounted rod holder within a gunwale of a boat.

U.S. Patent No. 3,964,706 to ADAMS discloses a holder assembly for fishing rods and fishing accessories. The holder assembly for use with one or more fishing rods or the like, including a number of readily replaceable elements adapted to hold any standard fishing rod during actual fishing, as in trolling, and safely store the rod while cruising to and from the fishing grounds, the assembly comprising a mounting base with keyhole connecting means for quickly attaching to or detaching from a supporting surface, a tubular socket on the base, an elongated sleeve for slidably receiving and holding a fishing rod handle, and means for readily securing and detaching the sleeve to and from the socket. The substitution of another sleeve having a portion with a larger diameter enables the holding of larger and heavier fishing rods. The substitution of another mounting base having a different angular arrangement of the tubular socket renders the holder assembly readily mountable on verticals, horizontal or angled supporting surfaces of a boat and permits the changing of the angular position of the held fishing rod. This

prior art patent does not teach or disclose the particular structure and configuration of your invention of a fishing rod holder support stanchion member for holding a plurality of fishing rod holders in combination with a flush mounted rod holder within a gunwale of a boat.

U.S. Patent No. 4,527,349 to EMORY, Jr. discloses a trolling bar assembly having an elongated member or board which defines a plurality of longitudinally spaced rod holder apertures, a plurality of tubular rod holders and a pair of support brackets for securing the elongated member to the boat. The tubular rod holders are retained in the apertures of the elongated bar by a pair of longitudinally spaced garter springs disposed in notches formed in the tubular holders. The support brackets are adjustable longitudinally of the bar. This prior art patent does not teach or disclose the particular structure and configuration of your invention of a fishing rod holder support stanchion member for holding a plurality of fishing rod holders in combination with a flush mounted rod holder within a gunwale of a boat.

U.S. Patent No. 4,823,723 to BROOKS discloses a trolling rig for fishing boats. The trolling rig is used for removably mounting a plurality of fishing rods on the deck of fishing boat centrally of the aft end thereof, such rig comprising a plurality of rod holders mounted on the outboard end of an upright shaft that is received in a mounting bracket on the deck, each rod holder receiving the butt end of a rod such that the rod extends upwardly and outwardly with respect to the upright shaft, at least one rod being disposed on the starboard side of the boat and one rod being disposed on the port side of the boat. Optionally a third rod holder is provided for positioning a rod above an in alignment with

the centerline of the boat and extending upwardly and outwardly above the boat motor. This prior art patent does not teach or disclose the particular structure and configuration of your invention of a fishing rod holder support stanchion member for holding a plurality of fishing rod holders in combination with a flush mounted rod holder within a gunwale of a boat.

U.S. Patent No. 4,901,469 to MURRAY discloses an expandible frame for mounting downriggers on a fishing boat. The expandible device is attachable to the stern of a boat for mounting fishing rigs such as downriggers thereon. The device includes a framework which extends horizontally across the stern of the boat, with a pair of expandible members disposed near the outboard edges of the framework. The expandible members include extensions telescopically received in the framework which move from a retracted position to an extended, outboard position by means of linear actuators to provide an extended mounting area. This prior art patent does not teach or disclose the particular structure and configuration of your invention of a fishing rod holder support stanchion member for holding a plurality of fishing rod holders in combination with a flush mounted rod holder within a gunwale of a boat.

U.S. Patent No. 5,735,093 to MINORICS, et al. discloses a fishing jig device for jigging a multiplicity of fishing pole rods. The device includes a stanchion and a horizontal support member rotatably mounted to the stanchion. A multiplicity of rod holders for holding fishing rods radially extends from the support member. These rod holders have dimensions adequate to receive and support a fishing rod. The rod holders are jigged via a handle or a foot pedal which is operatively connected to the support

member. To prevent the support member from over-rotating and spilling the fishing rods, stops are provided on the support member and the stanchion. The fishing jig device can be secured to a boat or land using a variety of mechanisms such as clamps, pegs, spikes or a stand. This prior art patent does not teach or disclose the particular structure and configuration of your invention of a fishing rod holder support stanchion member for holding a plurality of fishing rod holders in combination with a flush mounted rod holder within a gunwale of a boat.

U.S. Patent No. 5,438,789 to EMORY discloses a fishing rod holder assembly having a channel, a bracket, a hub and a rod holder. The channel may be mounted on the boat at any angle desired, from horizontal to vertical. The bracket is configured to be slidably inserted within the channel in any of four orientations. The hub, which is rotatably mounted on the bracket, defines a plurality of apertures. A pin is positioned on the bracket. A spring biases the hub against the bracket to a positive, locked position with the pin in one of the apertures. Separate tile pieces, configured to be slidably inserted within the channel, space rod holders on the channel. This prior art patent does not teach or disclose the particular structure and configuration of your invention of a fishing rod holder support stanchion member for holding a plurality of fishing rod holders in combination with a flush mounted rod holder within a gunwale of a boat.

U.S. Patent No. 5,557,877 to COLSON discloses a universal mount fishing rod holder for holding a plurality of fishing rods in a position for use when fishing. The fishing rod holder includes a rigid planar base coupled to a tubular receptacle; a coupling mechanism for securing the base to an external recipient object; a rigid planar bar

positioned above the base; an elongated support rod having one end removably coupled within the receptacle of the base and another end pivotally coupled to the bar; and a plurality of spaced and parallelly aligned rod holders with each rod holder formed of an elongated rigid piece of wire having an anterior section with a generally v-shaped seat for holding a portion of a fishing rod, a posterior section with a loop for receiving an end of a fishing rod, and a central section extended therebetween and coupled to the bar. This prior art patent does not teach or disclose the particular structure and configuration of your invention of a fishing rod holder support stanchion member for holding a plurality of fishing rod holders in combination with a flush mounted rod holder within a gunwale of a boat.

U.S. Patent No. 5,054,737 to DELANCEY discloses a universal support apparatus for a fishing rod that includes a base adapted for mounting on a vertical or horizontal surface, a fishing rod receptacle, and an articulated support member having opposing ends connected to the base and receptacle for movement of the receptacle about three perpendicular axes. This prior art patent does not teach or disclose the particular structure and configuration of your invention of a movable and re-positionable fishing rod holder being mounted to a fishing rod holder support stanchion member in combination with a flush mounted rod holder within a gunwale of a boat.

U.S. Patent No. 5,685,107 to SWEET discloses a fishing rod holder which is capable of simultaneously supporting a plurality of fishing rods during fishing operations. The fishing rod holder includes a base plate for mounting the fishing rod holder onto a boat or other platform, a central support that extends upward from the base plate, a cross-



member attached to the central support and extending outward from the central support, and a plurality of fishing rod cradles spaced at intervals along the cross-member. Each fishing rod cradle supports an individual fishing rod oriented in a desired direction, at a desired inclination. This prior art patent does not teach or disclose the particular structure and configuration of your invention of a fishing rod holder support stanchion member for holding a plurality of fishing rod holders in combination with a flush mounted rod holder within a gunwale of a boat.

U.S. Patent No. 5,855,088 to LEE discloses an outrigger pivot assembly structured to rotatably support an outrigger fishing assembly having a shaft bottom end, the pivot assembly including a support housing coupled to a support surface of a boat and structured to generally receive and support a positioning member therein. The positioning member, which is coupled with the shaft bottom end of the outrigger fishing assembly, is structured to rotate the outrigger fishing assembly upon rotation thereof relative to the support housing. An outrigger pivot assembly further includes a handle assembly structured to rotate the positioning member and outrigger fishing assembly upon pivoted movement thereof about a perimeter of the support housing, and a lock assembly having a channel with at least a first position, a second position and a connection segment wherethrough the handle assembly is structured to selectively move when not being retained in place as a result of a structure of said lock assembly. This prior art patent does not teach or disclose the particular structure and configuration of your invention of a rotatable, movable and re-positionable fishing rod holder being

mounted to a fishing rod holder support stanchion member in combination with a flush mounted rod holder within a gunwale of a boat.

U.S. Patent No. 5,921,014 to LEE discloses an outrigger lowering assembly structured to pivot a fishing pole between a generally lowered and a generally elevated orientation, the assembly including an outrigger engagement hub having a retention segment which receives a fishing pole butt end of the fishing pole securely therein, and a pivot segment supportingly extending from the retention segment into pivoted, supported engagement with a base assembly that is secured to the boat. The pivot segment pivots relative to the base assembly so as to vary an elevation orientation of said outrigger engagement hub between a first and a second elevation positions, and the base assembly includes a first and a second housing portions movably coupled with one another between a locked orientation and a disengaged orientation, wherein the locked orientation maintains a pin in a corresponding lock position of a channel, and the disengaged orientation moves the pin out of the lock position so as to permit pivoted movement of the outrigger engagement hub into another elevation orientation. Upon reaching the new elevation orientation, a restraining assembly urges the pin into a corresponding lock position so as to maintain the desired orientation of the outrigger engagement hub, and accordingly, the fishing pole. This prior art patent does not teach or disclose the particular structure and configuration of your invention of a movable and re-positionable fishing rod holder being mounted to a fishing rod holder support stanchion member in combination with a flush mounted rod holder within a gunwale of a boat.

U.S. Patent No. 6,213,441 to BAYNARD, et al. discloses a fishing rod holder mount including a base unit which can be secured or affixed to a supporting surface such as the upper rail or gunwale of a boat; a shaft which is received by the base unit and therefore secured to the supporting surface; and an interlocking mechanism between the base and shaft which prevents the shaft and therefore the fishing rod holder from rotating about the shaft axis. The fishing rods held by the fishing rod holder are prevented from rotating across the boat or supporting surface. Therefore, the fishing rod is prevented from striking a boat occupant, tangling with other rods or objects, and prevented from complicating reeling in of a fish. This prior art patent does not teach or disclose the particular structure and configuration of your invention of a fishing rod holder support stanchion member for holding a plurality of fishing rod holders in combination with a flush mounted rod holder within a gunwale of a boat.

U.S. Patent No. 6,289,627 to GIBBS et al. discloses a folding stowable trolling rig for removably mounting a plurality of fishing rods in desired, operable positions above the deck of a boat, such rig mounting atop a standard fishing seat pedestal of the type found on bass boats and requiring no tools or special hardware for installation. The trolling rig includes a plurality of longitudinally spaced rod holders pivotally mounted to a pair of folding support arms, one end of each being pivotally attached to either side of a central mounting base, the underside of which having a post that inserts into the seat mounting socket atop the fishing seat pedestal. Automatic alignment of each rod holder, both in folded and opened positions, is controlled by a pair of alignment bars pivotally mounted to the holders and to either side of the mounting base just above and parallel to

the support arms. The rod holders and the support arms all fold together into compact alignment for transporting or stowing the trolling rig. This prior art patent does not teach or disclose the particular structure and configuration of your invention of a fishing rod holder support stanchion member for holding a plurality of fishing rod holders in combination with a flush mounted rod holder within a gunwale of a boat.

U.S. Patent No. 6,302,367 to RATZA, et al. discloses a fishing rod holder including a cradle shaped to receive and selectively retain a fishing rod therein, and includes a first ratchet half thereon. A support pedestal that has a mount for attaching the fishing rod holder to a support surface, and includes a second ratchet half shaped to selectively lockingly engage with the first ratchet half. A quick-release connector mechanism permits angular adjustment between the cradle and the support pedestal. The quick-release connector mechanism includes an actuator pin extending centrally between the first and second ratchet halves, and rotatably connecting the cradle and the support to permit mutual rotation between a variety of different cradle positions. The actuator pin has a fixed end associated with one of the cradle and the support pedestal, and a free end associated with the other of the cradle and support pedestal. The quick-release connector mechanism has an actuator lever pivotally operably connected with the free end of the actuator pin, and a cam configured to selectively engage the other of the cradle and the support pedestal when rotated to a locked position, wherein the first and second ratchet halves are converged to retain the cradle at a pre-selected position relative to the support pedestal. The actuator lever is shiftable to an unlocked position wherein the first and second ratchet halves are separated, such that the cradle may be rotated relative to the

support pedestal. This prior art patent does not teach or disclose the particular structure and configuration of your invention of a movable and re-positionable fishing rod holder being mounted to a fishing rod holder support stanchion member in combination with a flush mounted rod holder within a gunwale of a boat.

U.S. Publication No. 2001/0011435 A1 to BAYNARD, et al. discloses a dual position fishing rod holder for supporting a fishing rod in a plurality of fishing positions wherein the rod holder includes a front fork support having a pair of arms between which the fishing rod is held and a plurality of rod retention elements spaced from the front support fork which position and retain the fishing rod in different elevations and fishing positions. This prior art patent does not teach or disclose the particular structure and configuration of your invention of a fishing rod holder support stanchion member for holding a plurality of fishing rod holders in combination with a flush mounted rod holder within a gunwale of a boat.

### **CONCLUSION**

None of the aforementioned prior art patents and publications disclose or teach the structure, design and configuration of the claims of the present invention of the fishing rod holder assembly that includes a fishing rod holder support stanchion member for holding a plurality of fishing rod holders in combination with a flush mounted rod holder within a gunwale of a boat. Additionally, none of the aforementioned prior art references disclose or teach the particular design, configuration and structure of a movable and re-positionable fishing rod holder being mounted to a fishing rod holder support stanchion member in combination with a flush mounted rod holder within a gunwale of a boat.

Thus, these prior art patents do not disclose or teach the specific subject matter recited in Independent Claim 1 and the claims which depend therefrom. Accordingly, Claims 1 to 37 are patentable and this Petition should be granted.

Respectfully submitted,



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